

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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TC12 GRANTOR TRUST, :
Plaintiff, : Index No.: 05-CV-1211 (NAM/GHL)
-against- :
CHARLES GLESSING, D/B/A PALATINE :
NURSING HOME, :
Defendant. :
:-----x

STIPULATED PRELIMINARY INJUNCTION ORDER

Plaintiff TC12 Grantor Trust (“Plaintiff”) moved against Defendant Charles Glessing, d/b/a Palatine Nursing Home (“Defendant”) for a Temporary Restraining Order and an Order to Show Cause for a Preliminary Injunction pursuant to Federal Rule of Civil Procedure 65. Defendant, without admitting liability or waiving any claims or defenses he may have, including, but not limited to, a claim and defense that this Court lacks subject matter jurisdiction over this matter, stipulates to entry of a Preliminary Injunction. Accordingly, the Parties have stipulated and agreed that an Order granting Plaintiff a Preliminary Injunction be entered.

THEREFORE, IT IS HEREBY ORDERED that an Order pursuant to Rule 65 of the Federal Rules of Civil Procedure should be entered granting a Preliminary Injunction as follows:

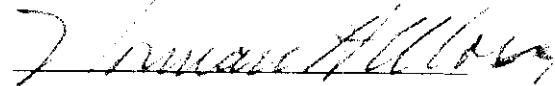
Defendant, his agents, servants, employees, representatives, affiliated entities, attorneys, and any persons acting in concert or participation with him are hereby ENJOINED from/to:

- (i) Taking any actions devaluing the Property and the Collateral (each as defined in the Complaint), including, but not limited to transferring residents from the Palatine Nursing Home for any reason other than medical reasons or request from the resident or his or her caregiver;
- (ii) Taking any action to reduce the occupancy level of the Palatine Nursing Home, including encouraging potential residents or their caregiver to reside at another nursing care facility;
- (iii) Making any payments to Defendant, any relative of Defendant or any business related to, owned or controlled by Defendant, without written approval from the Plaintiff of such expense, provided, however, that this restriction shall not apply to payments in the ordinary course to Theresa Britton and Tammy Haarman, and shall not apply to the reimbursement of those contributions that have been, and will be, made to the Palatine Nursing Home by or on behalf of Defendant during the ordinary course of business; and
- (iv) Immediately provide Plaintiff with a sufficient accounting of the Palatine Nursing Home's financial information in order to allow Plaintiff to adequately determine all debts and liabilities of the Palatine Nursing Home; and it is further

ORDERED, that Plaintiff and Defendant hereby reserve their rights to seek amendment of this Preliminary Injunction for any reason; and it is further

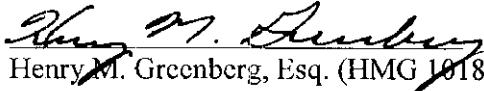
ORDERED, that this Preliminary Injunction shall remain in effect pending final adjudication of this matter, or such further date as set by the Court; and it is finally

SO ORDERED, September 27, 2005, at 4:16 p.m.



Honorable Norman A. Mordue
United States District Judge

Consented To By:



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